

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

2008 AUG 27 PM 4:05
 Magistrate Docket No. _____

CLERK U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

Plaintiff

v.

Marcos Antonio ROSAS**Defendant**

DEPUTY
 BY COMPLAINT FOR
 VIOLATION OF:
 TITLE 18 U.S.C. § 1544
 Misuse of Passport
)
)
)

'08 MJ 26 45

The undersigned complainant, being duly sworn, states:

On or about August 26, 2008, within the Southern District of California, defendant Marcos Antonio ROSAS did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting US passport number 214649453, issued in the name Mario CRUZ, to a Department of Homeland Security, Customs and Border Protection Officer, at the San Ysidro Port of Entry, knowing full well that he was not Mario CRUZ, that the passport was not issued or designed for his use; in violation of Title 18, United States Code, Section 1544.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Richard M. Escott
 Senior Special Agent
 U.S. Department of State
 Diplomatic Security Service

SWORN AND SUBSCRIBED TO before me
 This 27th day of August, 2008.

W. McLurine Jr. UNITED STATES MAGISTRATE JUDGE

8/26/08 *J*

PROBABLE CAUSE STATEMENT & STATEMENT OF FACTS

I, Richard Michael Escott, being duly sworn, declare under penalty of perjury that the following statement is true and correct:

1. I am a Senior Special Agent (SSA) with the U.S. Department of State, Diplomatic Security Service (DSS) assigned to the San Diego, CA Resident Office. I have been so employed for nine years and have investigated numerous violations involving the false application for and misuse of United States Passports and Visas.
2. During the performance of my duties, I have obtained evidence that Marcos Antonio ROSAS used the passport issued for the use of another. This Affidavit is made in support of a complaint against DEFENDANT for violation of Title 18, U.S.C., Section 1544, Misuse of a Passport.
3. On 08/26/2008, at approximately 1615 hours, DEFENDANT presented himself to a Department of Homeland Security, Customs and Border Protection (CBP) Officer at the pedestrian lines of the San Ysidro Port of Entry, to apply for admission into the United States. DEFENDANT identified himself with US Passport number 214649453, bearing the name Mario CRUZ, DPOB 06/06/1983, California, U.S.A, and a photograph that was not DEFENDANT. DEFENDANT was sent to secondary inspection.
4. On 08/26/2008, DEFENDANT was fingerprinted and records revealed a criminal history and an immigration history, both in the name Marcos Antonio ROSAS, DPOB 01/03/1986, Mexico.
5. On 08/26/2008, at approximately 1700 hours, the Affiant was advised by his office that a CBP Officer at the San Ysidro POE had advised that DEFENDANT had been detained at the secondary inspection area of the San Ysidro POE.
6. On 08/26/2008, Affiant conducted record checks of the U.S. Department of State passport database which revealed that U.S. Passport number 214649453 was issued to Mario CRUZ and the photo on the application matched the photo on the passport that was presented by DEFENDANT.
7. On 08/27/2008 Affiant contacted VICTIM, Mario CRUZ, who stated that his U.S. Passport was stolen in June 2008 when his vehicle was burglarized in Tijuana, Mexico.

On the basis of the facts presented in this probable cause statement consisting of 2 pages, there is probable cause to believe that the defendant named in this probable cause statement committed the offense on 08/26/2008 - in violation of Title 18, United States Code, Section 1544: Misuse of a passport - when he knowingly and willfully used the passport belonging to another, Mario CRUZ.



Richard M. Escott
Senior Special Agent
U.S. Department of State
Diplomatic Security Service



Michael J. McElwain
UNITED STATES MAGISTRATE JUDGE